

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
MARCH 4, 2013
6:00 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:00 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner Phil Norris, Chairman
Commissioner J. Marty Cooke, Vice-Chairman
Commissioner Pat Sykes
Commissioner Scott Phillips
Commissioner Frank Williams

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Bryan Batton, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

1st Sgt. Richard Long

I. CALL TO ORDER

Chairman Norris called the meeting to order at 6:00 p.m. Commissioner Phillips moved to enter Closed Session at 6:00 p.m. pursuant to NCGS 143-318.11 (a) (3) to consult with the Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action. The vote of approval was unanimous.

Chairman Norris called the Regular Session to order at 6:30 p.m. and the Attorney announced that no action was taken in Closed Session.

Commissioner Williams moved to authorize staff to sell 0.086 acres of land to the NC Department of Transportation for a traffic circle to be constructed near the Georgetown/4-Mile Road intersection. The vote of approval was unanimous.

(Attached to these Minutes is an item called Board Action containing all items on this agenda and those items are incorporated herein.)

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Williams gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Norris asked if there were any adjustments to the agenda. The following adjustments were made:

1. Steve Stone, Assistant County Manager, requested to remove Item V-D from the agenda.

2. Huey Marshall, County Attorney, requested to add approval of a letter to United Financial of North Carolina informing of the compliance of Civietown Volunteer Fire Department as Item V-D.
3. Huey Marshall, County Attorney, requested to add approval to initiate the process of a letter to the NC Department of Transportation informing of the county's interest in updating the Brunswick County Comprehensive Transportation Plan to upgrade and widen Hickman Road (SR 1303) from US Highway 17 to the South Carolina state line as Item V-E.

Commissioner Phillips moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Norris asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Joe Taylor, Sunset Harbor resident, praised the efforts of the Veterans Services Director Anita Hartsell and Veterans Services Officer, Glen Hartung. Mr. Taylor requested the Board to consider additional staff to reduce waiting time and enhance the tireless efforts of Ms. Hartsell and Mr. Hartung. The Chairman indicated that Ms. Hartsell had presented the need for additional staff and the Board would take that into consideration during the budget process and thanked Mr. Taylor for his support.

V. APPROVAL OF CONSENT AGENDA

Commissioner Phillips moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

- A. **Minutes**
 1. **February 13, 2013 Agenda Meeting Minutes**
- B. **Tax**
 1. **Tax Releases for March 2013**
- C. **Finance**

The Winnabow Fire Department negotiated financing with the Local Government Federal Credit Union Commercial Lending for a new station in the amount of \$146,000 with quarterly payments of \$4,229. The department is in good standing with the county and appears to have the funds to make the payments.

The Chief provided the attached evidence of the published notice and held a public hearing on February 7, 2013 regarding the matter. A copy of the publication and proposed amortization schedule are attached. Chief Mercer provided the information to the Board of Commissioners to make the county aware of the financing. No action is needed.

General Fund-GREAT Grant

Revenues:

Gifts & Memorials	104309-383300	\$50
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Expenditures:

Supplies	104309-426000	\$50
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The budget amendment above is to appropriate \$50 of donated funds from the Brunswick County Bar Association for the Sheriff's Department GREAT Program to purchase a GREAT logo tablecloth for the graduation ceremony.

General Fund-Sheriff's Department

Revenues:

Gifts & Memorials	104310-383303	\$1,894
Other Sales & Services (Deputies Serving as Security for Events)	104310-383961	\$44,279

Expenditures:

Salary & Wages – Clothing	104310-412207	\$1,500
Salary & Wages – Temporary/Part- Time	104310-412600	\$20,000
Uniforms	104310-421200	\$20,000
Departmental Supplies	104310-426002	\$1,600
Travel – Subsistence	104310-431200	\$745
Repair & Maintenance. – Boat	104310-435210	\$779
Dues	104310-449100	\$400
Miscellaneous Expense	104310-449900	\$175
Employee/Volunteer Appreciation	104310-449939	\$974

The budget amendment above is to appropriate Gifts & Memorials and Sales & Services fees for deputies serving at events for a fee earned in excess of amounts budgeted for expenditures in the Sheriff's department budget that are anticipated to exceed amounts budgeted.

General Fund- Detention Center

Revenues:

County Inmate Reimbursement	104320-383994	\$69,810
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Expenditures:

Salary & Wages – Clothing	104320-412207	\$500
Uniforms	104320-421200	\$40,000
Equipment Less Than \$500	104320-426100	\$14,310
Repair & Maintenance - Equipment	104320-435200	\$15,000

The budget amendment above is to appropriate additional County Inmate Reimbursement revenue in the Detention Center for expenditures in the Sheriff's detention budget that are anticipated to exceed amounts budgeted.

General Fund- Animal Protective Services

Revenues:

Gifts & Memorials	104380-383303	\$5,511
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Expenditures:

Advertising	104380-439100	\$5,511
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The budget amendment above is to appropriate Gifts & Memorials received in the Animal Protective Services budget for advertising on a 14' x 36' billboard on highway 17 at the direction of the Sheriff.

General Fund- Cooperative Extension

Revenues:

Miscellaneous Revenues	104950-383900	\$500
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Expenditures:

Special Projects	104950-423104	\$500
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The budget amendment above is to appropriate funds from the Corn Growers association designated for the purchase of a Nexus 7 tablet to be installed with agricultural applications and then loaned to growers on a schedule to allow sufficient time to utilize the technology without hindering other grower's technology usage in an effort to increase crop quality and quantity.

Health Department-Breast and Cervical Cancer Control Program

Revenues:

State Revenues Restricted	135157-332102	\$4,400
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Expenditures:

Special Programs	135157-423100	\$4,400
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The budget amendment above is to appropriate additional state revenue in the amount of \$4,400 for special programs in the Breast and Cervical Cancer Control Program.

Health Department-Environmental Health Food & Lodging Program

Expenditures:

Salary & Wages – Regular	135182-412100	(\$10,000)
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Contracted Services	135182-439900	\$10,000
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The budget transfer above is to transfer lapsed salaries in the Environmental Health Food & Lodging Program to for contracted services to require to maintain state inspection standards.

Water Fund

Revenues:

Expendable Net Assets Appropriated	619800-399200	\$600,000
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Expenditures:

Capital Outlay- Electronic Meters	617110-459605	\$600,000
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The budget amendment above is to appropriate expendable net assets of the Water Fund for the purchase of electronic meters. The program to phase in electronic meters is currently ahead of schedule and the supply of meters will soon run out. The utility department is using county staff to install the meters to save funds. It is advantageous to provide the staff with more meters in this fiscal year to expedite the automated meter reading project so that the county can take advantage of the cost savings of not manually reading meters and additional service revenue from more accurate meters.

County Capital Projects Fund

Revenues:

Performance Bond Revenues	438194-397000	\$(16,291)
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Expenditures:

Construction	438194-464002	(\$16,291)
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County Capital Reserve Fund

Revenues:

Performance Bond Revenues	439801-397000	\$16,291
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Expenditures:

Undesignated Funds	439801-464299	\$16,291
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The budget amendment above is to transfer performance bonds to capital project reserve funds undesignated in order to close the Goose Marsh Project. The funds will be available for a future project at the discretion of the Board of Commissioners.

County of Brunswick, North Carolina

Brunswick County Goose Marsh Phase 1B Capital Project

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Goose Marsh Phase 1B Capital Project:

Goose Marsh Phase 1B Capital Project:

Revenues:

Performance Bonds	<u>\$154,530</u>
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Total Goose Marsh Phase 1B Capital Project	\$154,530
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Revenues

Expenditures:

Construction	<u>\$154,000</u>
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Total Goose Marsh Phase 1B Capital Project	\$154,000
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Expenditures

Section 2. This Capital Project Ordinance shall be entered into the minutes of the March 4, 2013 meeting of the Brunswick County Board of Commissioners.

D. (Removed from the Agenda under Adjustments to the Agenda)

Health – Proposed State Consolidated Agreement between the State of North Carolina and Brunswick County Health and Human Services for FY 2013-2014

D. Civietown Volunteer Fire Department (Added under Adjustments to the Agenda)

Staff requests approval of a letter to United Financial of North Carolina, Inc. informing of the compliance of Civietown Volunteer Fire Department. The Department has made the county aware of their intention to acquire new Capital assets with United Financial of NC.

E. Planning - Update of the Brunswick County Comprehensive Transportation Plan

(Added under Adjustments to the Agenda)

Staff requests approval to initiate the process with a letter informing NC Department of Transportation of the county's interest in potentially updating the Comprehensive Transportation Plan to upgrade/widen Hickman Road NW (SR 1303) from US Highway 17 to the South Carolina state line.

VI. PUBLIC HEARING

1. Planning – Map Amendment Z-12-696 Public Hearing, Second Reading & Adoption (Leslie Bell)

I. CALL TO ORDER

Chairman Norris called the hearing to order at 6:38 p.m. and announced that the purpose of the hearing was to receive public input regarding Proposed Map Amendment Z-12-696.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-696 – Planning and Community Development Department)

Item 1 is a map amendment initiated by the property owner. This request from C-LD (Commercial Low Density) and Undesignated to C-LD (Commercial Low Density) would allow for commercial use of a portion of Tax Parcel 15200059 located off Old Ocean Hwy (Old US 17), Hope Lane SE, and Mercy Lane SE near Supply, NC.

An amendment to the Official Brunswick County CAMA Land Use Plan Map has been requested from MU (Mixed Use) and Undesignated to MU (Mixed Use) a portion of for Tax Parcel 15200059 located off Old Ocean Hwy (US 17), Hope Lane SE, and Mercy Lane SE near Supply, NC.

This rezoning includes approximately 0.44 acres of the total 8.45 acres.

Planning Staff recommends approval to C-LD (Commercial Low Density) for a portion of Tax Parcel 15200059 located off Old Ocean Hwy (Old US 17), Hope Lane SE, and Mercy Lane SE near Supply, NC.

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Plan Map from MU (Mixed Use) and Undesignated to MU (Mixed Use) for a portion of Tax Parcel 15200059 located off Old Ocean Hwy (Old US 17), Hope Lane SE, and Mercy Lane SE near Supply, NC.

Planning Board recommends approval to C-LD (Commercial Low Density) for a portion of Tax Parcel 15200059 located off Old Ocean Hwy (Old US 17), Hope Lane SE, and Mercy Lane SE near Supply, NC. [unanimous 7 to 0].

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Plan Map from MU (Mixed Use) and Undesignated to MU (Mixed Use) for a portion of Tax Parcel 15200059 located off Old Ocean Hwy (Old US 17), Hope Lane SE, and Mercy Lane SE near Supply, NC. [unanimous 7 to 0].

II. PUBLIC COMMENTS

Chairman Norris asked if there were any members of the audience who wished to address the Board regarding the Proposed Amendment. There were no comments from the audience.

III. ADJOURN

Commissioner Phillips moved to close the hearing at 6:40 p.m. The vote of approval was unanimous.

Commissioner Phillips moved that the rezoning described is not consistent with the Brunswick County CAMA Land Use Plan and is reasonable and in the public interest based similar zoning of adjacent properties and based on these statements, moved to approve Second Reading and Adoption of Map Amendment Z-12-696 as presented and to amend the CAMA Land Use Plan. The vote of approval was unanimous.

VII. ADMINISTRATIVE REPORT

1. Planning – Proposed Map Amendment Z-13-697 First Reading and Setting of a Public Hearing (Leslie Bell)

Staff recommends scheduling Public Hearing on Map Amendment Z-13-697 for April 1, 2013 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-697 – L.A. Lewis)

Item 1 is a map amendment initiated by the property owner. This request from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of the entirety of Tax Parcel 1680002401 located off Ocean Highway W. (US 17) and Quilt Road SW (SR 1203) near Supply, NC.

This rezoning includes approximately 2.09 acres of the total 7.05 acres.

Members Present: Alan Lewis, Bobby Long, Steve Candler, Cynthia Henry, Denny Jordan, and Troy Price

Members Absent: Dr. James Graham, Jr. and Eric Dunham

Planning Staff recommends approval from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1680002401 located off Ocean Highway W. (US 17) and Quilt Road SW (SR 1203) near Supply, NC.

Planning Board recommends approval from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1680002401 located off Ocean Highway W. (US 17) and Quilt Road SW (SR 1203) near Supply, NC. [6 to 0 with Dr. James Graham, Jr. and Eric Dunham being absent].

Commissioner Phillips moved to approve First Reading and schedule a Public Hearing on April 1, 2013 at 6:30 p.m. for Proposed Map Amendment Z-13-697. The vote of approval was unanimous.

2. Planning – Proposed Unified Development Ordinance Text Amendment UDO-13-01 First Reading and Setting of a Public Hearing (Leslie Bell)

Staff recommends scheduling Public Hearing on UDO Text Amendment UDO-13-01 for April, 1, 2013 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

Item 1

Amend Article 4, Zoning Districts, Section 4.13.8., Certification and Qualification of Farmland, to replace the certification of soils requirement that the property must be managed in accordance with the Natural Resources Conservation Service's defined erosion-control practices if highly erodible lands exist on the property.

Members Present: Alan Lewis, Bobby Long, Steve Candler, Cynthia Henry, Denny Jordan, and Troy Price

Members Absent: Dr. James Graham, Jr. and Eric Dunham

Planning Staff recommends approval.

Planning Board recommends approval [6 to 0 with Dr. James Graham, Jr. and Eric Dunham being absent].

Commissioner Phillips moved to approve First Reading and schedule a Public Hearing for April 1, 2013 for Proposed UDO-13-01. The vote of approval was unanimous.

3. Planning – Community Development Block Grant Monthly Status Report (Leslie Bell)

Staff recommends receiving Community Development Block Grant Monthly Performance Status Report as Information.

Leslie Bell, Planning Director, explained that the Monthly Performance Status Report is for informational purposes only per the new Community Development Block Grant reporting requirements effective February 1, 2013.

Leslie Bell, informed that no funds of the total \$75,000 Grant have been expended during the month of February 2013 for the 2011 CDBG Water Hook-up Grant. The report is due no later than March 15, 2013.

The Board received the report as information. No action was taken.

4. Public Utilities – Proposed Setting of a Public Hearing & Adoption of Changes to the County's Sewer Use Ordinance (Jerry Pierce)

Staff recommends scheduling Public Hearing on County Sewer Use Ordinance Amendments for April 1, 2013 at 6:30 p.m.

Jerry Pierce, Utility Operations Director, explained that the North Carolina Department of Environment and Natural Resources (NC DENR) has conducted an extensive review of the county's Wastewater Pretreatment Program and Sewer Use Ordinance. The NC DENR staff submitted a list of recommended changes to the Sewer Use Ordinance to make it in conformance with the current NC DENR and Environmental Protection Agency (EPA) Regulations.

A number of editorial changes have been made throughout the Sewer Use Ordinance such as changing the name of the person responsible for administering the program from Public Owned Treatment Works Operator to Public Utilities Director. The major change in the document is a change in the hearing process for appeals of administrative decisions such as fines made by the Pretreatment Coordinator. The new appeals process calls for the Director of Public Utilities to hold a hearing and make a decision on the appeal of the fines levied by the Pretreatment Coordinator. The permit holder would then have the right to appeal the decision of the Public Utilities Director to the Board of Commissioners. After ruling by the Board of Commissioners, all subsequent appeals would be through the court system.

Staff recommends holding a Public Hearing on the ordinance changes on April 1, 2013, at 6:30 p.m. to receive input on the proposed ordinance changes.

Commissioner Williams moved to schedule a Public Hearing on April 1, 2013, at 6:30 p.m. The vote of approval was unanimous.

VIII. BOARD APPOINTMENTS

1. Economic Development Commission

Commissioner Phillips requested to table the District 4 appointment. Commissioner Williams nominated Jeremy Phillips, Commissioner Sykes nominated Stephen Dragos, and Chairman Norris nominated Diane McRainey. Chairman Norris moved to close the nominations. The vote of approval was unanimous. Chairman Norris moved to approve the appointments of Phillips, Dragos and McRainey. The vote of approval was unanimous.

Jeremy Phillips, Stephen Dragos and Diane McRainey were reappointed to serve another three-year term that will expire on March 1, 2016.

2. Equalization & Review

Chairman Norris nominated Chris Barbee, Commissioner Sykes nominated Boyd Williamson, and Commissioner Phillips nominated Ray Real. Chairman Norris moved to close the nominations. The vote of approval was unanimous. Chairman Norris moved to approve the appointment of Barbee, Williamson and Real. The vote of approval was unanimous.

Chris Barbee was appointed to fill the unexpired term of Michael Norton (resigned). Boyd Williamson was appointed to fill the unexpired term of Willie Gore (resigned). Ray Real was appointed to fill the unexpired term of Barbara Cumbee (resigned). All will serve a two-year term that will expire on April 1, 2015.

3. Marine Fisheries Advisory Board

Commissioners Sykes and Cooke moved to table District 3 and District 2 appointments. The vote of approval was unanimous. Commissioner Phillips nominated Alan Beasley. Commissioner Phillips moved to close the nominations. The vote of approval was unanimous. Chairman Norris moved to approve the appointment of Mr. Beasley. The vote of approval was unanimous.

Alan Beasley was reappointed to serve another two-year term that will expire on February 1, 2015.

4. Nursing Home & Adult Care Home Community Advisory Committee (at-large)

Commissioner Phillips moved to table the District 4 appointment. The vote of approval was unanimous. Commissioner Sykes nominated Fauna Schaub. Commissioner Sykes moved to close the nominations. The vote of approval was unanimous. Chairman Norris moved to approve the appointment of Ms. Schaub. The vote of approval was unanimous.

Fauna Schaub was appointed to fill the expired term of Helen Clark (resigned) and will serve an initial one-year term that will expire on February 1, 2014.

IX. COUNTY ATTORNEY'S REPORT

There were no items to be addressed.

X. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XI. ADJOURNMENT

Commissioner Cooke moved to adjourn the Regular Meeting at 6:53 p.m. The vote of approval was unanimous.

Phil Norris, Chairman

Deborah (Debby) Gore, NCCCC
Clerk to the Board